

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2023/0400
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<b>Responsible Officer:</b>	Gareth David
<b>Land to be developed (Address):</b>	Lot CP SP 18046, 38 - 42 The Corso MANLY NSW 2095 Lot 2 SP 18046, 2 / 38 - 42 The Corso MANLY NSW 2095
<b>Proposed Development:</b>	Use of Premises as a restaurant, fitout and signage
<b>Zoning:</b>	Manly LEP2013 - Land zoned E1 Local Centre OLDManly LEP2013 - Land zoned B2 Local Centre
<b>Development Permissible:</b>	Yes - Zone B2 Local Centre Yes - Zone E1 Local Centre
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Nisus Pty Ltd
<b>Applicant:</b>	Keeyuen Design Pty Ltd

<b>Application Lodged:</b>	21/04/2023
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	28/04/2023 to 12/05/2023
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 150,000.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks development consent for the purposes of food and drink premises (restaurant), fitout works and signage.

The proposal does not seek to change the existing total floor area of 118.5m<sup>2</sup>.

The restaurant seeks to operate 11am to 9:30pm, Monday to Sunday and accommodate 8 staff and 30 seats for patrons.

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Manly Local Environmental Plan 2013 - 5.10 Heritage conservation

Manly Development Control Plan - 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

Manly Development Control Plan - 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

Manly Development Control Plan - 4.2.5.4 Car Parking and Access

## SITE DESCRIPTION

<b>Property Description:</b>	Lot CP SP 18046 , 38 - 42 The Corso MANLY NSW 2095 Lot 2 SP 18046 , 2 / 38 - 42 The Corso MANLY NSW 2095
<b>Detailed Site Description:</b>	<p>The subject site consists of corner allotment with frontages to Darley Road to the north-east and The Corso to the north-west.</p> <p>The site is regular in shape with a primary frontage to The Corso and secondary frontage to Darley road. The site has a surveyed area of 643m<sup>2</sup>, while the subject tenancy has a floor area of 118.5m<sup>2</sup>.</p> <p>The site is located within the E1 Local Centre zone and accommodates a four (4) storey mixed-use building with ground floor commercial and residential above. The external fabric/appearance of the building consisting of face-brick, recessed timber windows, Juliet balconies and embossed parapet contributes to its heritage significance.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p> <p>Adjoining and surrounding development is characterised by</p>

commercial and mixed-use developments.

Map:



## SITE HISTORY

The land has been used for commercial and residential purposes for an extended period of time. A search of Council's records has revealed a range of historical DAs seeking consent for various works to the building, including existing business tenancies at the ground floor.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.  The NSW employment zones reforms have been made and will come into force on 26 April 2023. These reforms will result in this property changing from a B2 zone to a E1 zone. The proposed use will remain permissible in the new zone.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions"

Section 4.15 Matters for Consideration	Comments
Regulation 2021 (EP&A Regulation 2021)	<p>of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions	See discussion on “Notification & Submissions Received”

Section 4.15 Matters for Consideration	Comments
made in accordance with the EPA Act or EPA Regs	in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 28/04/2023 to 12/05/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Jacqueline Petrea Webster	3/2C Darley Road MANLY NSW 2095

The following issues were raised in the submissions:

- Acoustic impact

The above issues are addressed as follows:

- **Acoustic**

### Comment:

The submission raised concerns relating to the potential impact of the restaurant on the acoustic privacy of residents in the building due to possible amplified music and hours of operation. The proposed hours of operation have the restaurant closing at 9:30pm, Monday to Sunday. This has been included as a condition of consent. Conditions have also been included to ensure that there is no amplified entertainment noise (music) associated with the operation of this use

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire	The application has been investigated with respects to aspects



Internal Referral Body	Comments
and Disability upgrades	<p>relevant the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</p>
Environmental Health (Food Premises, Skin Pen.)	<p><b>General Comments</b></p> <p>This proposal is for an internal fit out works to establish a food and drink premises in 'Manly Sushi'</p> <p>Environmental Health recommends that consent for the development be granted subject to Council's standard conditions</p> <p><b>Recommendation</b></p> <p>SUPPORTED - subject to conditions</p>
NECC (Flooding)	<p>The development proposes internal fit out and signage to establish existing building.</p> <p>There are no flood related objection.</p>
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS
	Discussion of reason for referral
	<p>The proposal has been referred to Heritage as the subject property is part of a group listed heritage item, being <b>Item I106 - Group of commercial buildings</b> - All numbers, The Corso. The property is also located within <b>C2 - Manly Town Centre Conservation Area</b> and in the vicinity of a number of heritage items:</p> <p><b>Item I107 - Commercial building</b> - 36 The Corso</p> <p><b>Item I113 - St Matthews Church and church hall</b> - 44 The Corso (corner The Corso and Darley Road)</p> <p><b>Item I104 - Street trees</b> - The Corso (from Whistler Street to Sydney Road)</p> <p><b>Item I119 - Commercial and residential building</b> - 2D Darley Road</p>
	Details of heritage items affected
	<p><b>Item I106 - Group of commercial buildings</b></p> <p><u>Statement of significance</u></p>

Internal Referral Body	Comments																	
	<p>The streetscape and its special qualities are of major significance to the state. The Corso has important historical links to the development of tourism and recreation which is still present and likely to continue. It's role as the pedestrian link between harbour and ocean, city and sea - for the tourist, is fundamental to Manly's status as a resort.</p> <p><b>C2 - Town Centre Heritage Conservation Area</b> <u>Statement of significance</u> The Manly Town Centre Conservation Area (TCCA) is of local heritage significance as a reflection of the early development of Manly as a peripheral harbor and beachside village in the fledgling colony of New South Wales. This significance is enhanced by its role as a day-trip and holiday destination during those early years, continuing up to the present time, and its association with H G Smith, the original designer and developer of the TCCA as it is today. The physical elements of the TCCA reflect this early development and its continued use for recreational purposes, most notably the intact promenade quality of The Corso and its turn of the century streetscape, as well as key built elements such as hotels, and remaining original commercial and small scale residential buildings.</p> <p><b>Item I107 - Commercial building</b> <u>Statement of significance</u> One of the most elaborate facades featured in The Corso, contributes aesthetically and historically to the Corso streetscape.</p> <p><b>Item I113 - St Matthews Church and church hall</b> <u>Statement of Significance</u> The church is a well consistently detailed but sombre example of Interwar Gothic style. The interior detailing and fittings are of a high quality of design, exhibiting a contrasting lightness to the exterior. As this building is seen in the round, the spatial effect on the north eastern side is of significance and it makes an important landmark and identifies the junction of the Corso with Darley Road. It makes a major contribution to the Corso.</p> <p><b>Item I104 - Street trees</b> <u>Statement of significance</u> Part of earliest planting on The Corso c.1850's by H.G. Smith. Historic and aesthetic importance to the streetscape.</p> <table><tr><th colspan="3">Other relevant heritage listings</th></tr><tr><td>SEPP (Biodiversity and Conservation) 2021</td><td>No</td><td></td></tr><tr><td>Australian Heritage Register</td><td>No</td><td></td></tr><tr><td>NSW State Heritage Register</td><td>No</td><td></td></tr><tr><td></td><td></td><td></td></tr></table>			Other relevant heritage listings			SEPP (Biodiversity and Conservation) 2021	No		Australian Heritage Register	No		NSW State Heritage Register	No				
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Internal Referral Body	Comments		
	National Trust of Aust (NSW) Register	No	
	RAIA Register of 20th Century Buildings of Significance	No	
	Other	N/A	
	Consideration of Application		
	<p>The proposal seeks consent for a change of use of an existing ground floor shop, including the related internal fitout works and signage. The subject site is located within the Manly Town Centre Conservation Area as part of a group of commercial buildings that are listed as heritage item. The proposed works are limited to the internal fitout only and does not involve any works to the existing external fabric except the change of the existing signage with new. The proposed signage is considered appropriate as it involves updating existing signage to suit the new tenancy. The proposed awning fascia signage is not illuminated, however the existing hamper signage is proposed to be replaced with new backlit acrylic signage to replace the current signage in the same position. Heritage require the details of the proposed illumination to the signage to assess the impact within the HCA.</p> <p>Given the proposed works will be readily reversible and the presentation of the shop within the existing streetscape will be similar to existing, it is considered that the proposal will have a negligible impact upon the significance of the heritage items or the Manly Town Centre Heritage Conservation Area.</p> <p>Therefore, no objection are raised on heritage grounds, subject to one condition</p> <p><u>Consider against the provisions of CL5.10 of Manly LEP 2013.</u>  Is a Conservation Management Plan (CMP) Required? No  Has a CMP been provided? No  Is a Heritage Impact Statement required? Yes  Has a Heritage Impact Statement been provided? Yes</p>		

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.



## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

### SEPP 64 - Advertising and Signage

Clauses 3.1 and 3.6 of SEPP (Industry and Employment) 2021 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of SEPP (Industry and Employment) 2021, the following assessment is provided:

The proposed signage will be illuminated for the hours of operation of the proposed restaurant only. This will be conditioned on any consent

Matters for Consideration	Comment	Complies
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The subject site is located within an E1 Local Centre zone and characterised by surrounding businesses displaying similar business identification signage. Therefore, the proposed signage is considered to be compatible with the existing and desired future character of the Town Centre.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Many businesses along The Corso display similar signage to what is proposed, therefore considered to be consistent with the theme of signage within the locality. The signage is unobtrusive and reflects the purpose of the zone.	YES
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is identified as an item of local heritage significance, while the site is also located in a conservation area. Consideration has been given to the site's and wider area's importance in relation to heritage and reviewed by Council's Heritage Officer who has raised no objections (subject to conditions). The minor nature of the signage and relationship with other similar signage is not considered to detract from the amenity or visual quality of the area. The subject site is not located within an environmentally sensitive, natural, open space or rural area. The proposed signage does not detract from the amenity or visual quality of nearby open space areas, waterways, or residential areas (subject to conditions).	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage does not protrude above the existing building line or alter the existing building envelope, therefore not obscuring or compromising existing views.	YES

Does the proposal dominate the skyline and reduce the quality of vistas?	The small scale sign will not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The sign will respect the viewing rights of other advertisers.	YES
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is similar to existing signage within the locality is therefore considered to be appropriate within the existing setting.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is considered compatible with existing signage for sites along The Corso.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage will act as an appropriate and simple advertising element to the site and is conducive to its total area.	YES
Does the proposal screen unsightliness?	The proposed signage is a simple design that is consistent with the established theme of signage along The Corso.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any buildings, structures or tree canopies within the locality.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of compatible scale and proportion to the proposed building and the existing buildings in the street.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage is located at the front of the site and respects the features of the existing site, including elements of heritage significance.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage relates to the proposed use of the site.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage is located logically to achieve an adequate level of exposure, while remaining visually compatible with the existing building and the streetscape.	YES
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed signage will not require safety devices, platforms or lighting devices, as any illuminated signage is lit internally.	YES
Can the intensity of the illumination be adjusted, if necessary?	A condition of consent will require the illumination to be adjustable.	YES
Is the illumination subject to a curfew?	The proposed signage will be illuminated for the	YES

	hours of operation of the proposed use only. This will be conditioned on any consent	
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The minor, small scale nature of the sign will ensure safety for road users, including pedestrians and cyclists will maintained.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The minor, small scale nature of the sign will ensure safety for pedestrians, including children by not obscuring sightlines from public areas.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

## SEPP (Resilience and Hazards) 2021

### Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

## Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	15m	No change to existing building height	N/A	Yes
Floor Space Ratio	FSR: 3:1	No change to existing FSR	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
4.4 Floor space ratio	Yes
4.5 Calculation of floor space ratio and site area	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes

Clause	Compliance with Requirements
6.1 Acid sulfate soils	Yes
6.2 Earthworks	Yes
6.4 Stormwater management	Yes
6.8 Landslide risk	Yes
6.9 Foreshore scenic protection area	Yes
6.11 Active street frontages	Yes
6.12 Essential services	Yes
6.16 Gross floor area in Zone B2	Yes
Schedule 5 Environmental heritage	Yes

#### Detailed Assessment

#### **5.10 Heritage conservation**

The proposed development, as conditioned, will have no unreasonable impact on the Manly Town Centre Heritage conservation area. Council's Heritage Officer has no objections to the proposal . (subject to conditons)

#### **Manly Development Control Plan**

##### Built Form Controls

The proposal seeks consent for the use of an existing commercial tenancy for the purposes of a restaurant. The proposal does not alter the existing built form, therefore consistent with the relevant DCP controls.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
3.2 Heritage Considerations	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
4.2.1 FSR (Consideration of Exceptions including Arcades)	Yes	Yes
4.2.2 Height of Buildings (Consideration of exceptions to Building Height in LEP Business Zones B1 and B2)	Yes	Yes
4.2.3 Setbacks Controls in LEP Zones B1 and B2	Yes	Yes
4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor	N/A	N/A
4.2.5 Manly Town Centre and Surrounds	Yes	Yes
4.2.5.1 Design for Townscape	Yes	Yes
4.2.5.2 Height of Buildings: Consideration of Townscape Principles in determining exceptions to height in LEP Zone B2 in Manly Town Centre	Yes	Yes
4.2.5.3 Security Shutters	Yes	Yes
4.2.5.4 Car Parking and Access	No	Yes
4.4.1 Demolition	Yes	Yes
4.4.3 Signage	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes
5 Special Character Areas and Sites	Yes	Yes
5.1.1 General Character	Yes	Yes
5.1.2 The Corso	Yes	Yes
5.4.1 Foreshore Scenic Protection Area	Yes	Yes

### Detailed Assessment

#### **3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)**

The hours of operation are consistent with surrounding premises' and the 9:30pm closing time will not give rise to unreasonable acoustic impacts. Furthermore, conditions imposed with this consent will mitigate unreasonable amenity impacts arising from odour, fume or light emission. The proposal has also been reviewed by Council's Environmental Health Officer who has raised no objections to the proposal, subject to conditions. Based on the above, it is concluded that the proposed development is consistent with the amenity provisions of the MDCP 2013.

#### **4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor**

##### Description of non-compliance

Schedule 3 of the MDCP requires the following parking rate be applied for restaurants:

*1 parking space for every 40 sqm of gross floor area of serviced area, Note: Where Restaurants or Cafes and Take Away Food and Drink Premises that are subject to this rate are located in Manly Town Centre, paragraph 4.2.5.4 Car Parking and Access also applies (particularly in relation to section 94 Contributions).*

Based on the above rate, a total of 2.9 (3) parking spaces are required to be provided. The site does

not provide any off-street car parking, resulting in a shortfall of 3 spaces.

#### Merit consideration

As the site is located in the Manly Town Centre, exceptions to the parking rates/requirements may be considered on a merit basis.

When considering the proposal on merit, it is important to note that providing off-street parking on the subject site is unfeasible due to the need to significantly alter of the existing building to facilitate a compliant amount of parking. The subject site is unable to provide on-site car parking to satisfy the above rate and it would be unreasonable to request parking to be provided. However, the site is conveniently located to alternate modes of transport, including regular bus routes and ferries at Manly Wharf. It is not unreasonable to expect that the majority of patrons to the restaurant would like arrive to the restaurant using these modes of transport. Alternatively, car parks exist in the Manly Town Centre that provide patrons who arrive by private vehicle to park their car and walk to the restaurant.

The control includes a provision where only 50% of the required parking rate is to be provided within the Manly Town Centre with the other 50% offset by a monetary contribution under the Manly Section 94 Contributions Plan. As this plan has been repealed and no longer applies to the subject site, this provision does not strictly apply. However, its intent reduces the required number of parking spaces from 3 spaces to 2 spaces. This results in the proposal being deficient by 2 parking spaces.

Overall, the proposed change of use not considered to result in any significant traffic or parking generation. In this regard, Council can be satisfied that the proposed restaurant will not result in adverse traffic generation or parking demand.

#### **4.2.5.4 Car Parking and Access**

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### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

### **POLICY CONTROLS**

#### **Northern Beaches Section 7.12 Contributions Plan 2022**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$ 750 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 150,000.

### **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP

- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2023/0400 for Use of Premises as a restaurant, fitout and signage on land at Lot CP SP 18046, 38 - 42 The Corso, MANLY, Lot 2 SP 18046, 2 / 38 - 42 The Corso, MANLY, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Material Schedule 1, MA-01	27/03/2023	Keeyuen
Demolition Floor Plan, PL-02	27/03/2023	Keeyuen
Proposed Floor Plan, PL-04	27/03/2023	Keeyuen
Reflected Ceiling Plan, PL-05	27/03/2023	Keeyuen
Finish Plan, PL-08	27/03/2023	Keeyuen
Shop Front Elevation, EL-01	27/03/2023	Keeyuen
Elevation 1, EL-02	27/03/2023	Keeyuen
Elevation 2, EL-03	27/03/2023	Keeyuen
Elevation 3, EL-04	27/03/2023	Keeyuen
Hanging Display Cabinet Plan, EL-05	27/03/2023	Keeyuen
Elevation 4, EL-06	27/03/2023	Keeyuen
Elevation 5, EL-07	27/03/2023	Keeyuen
Elevation 6, EL-08	27/03/2023	Keeyuen
Counter Detail, EL-09	27/03/2023	Keeyuen
Pick Up Light Box, EL10	27/03/2023	Keeyuen

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By

Waste Management Plan	-	-
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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## 2. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a restaurant or cafe, in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

*restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—*

- (a) an artisan food and drink industry, or*
- (b) farm gate premises.*

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

## 3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifier for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and

- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
  - A. the name of the owner-builder, and
  - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

#### 4. **Signage location**

The proposed under awning sign and top hamper sign are to be installed in the same location as the existing signage in which they are replacing.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

#### 5. **General Requirements**

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary

structures or appliances are to be removed within 7 days.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2018
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

#### 6. **Adjustment of Illumination levels**

The signage shall be designed so that the intensity of the illumination be adjusted.

Reason: To ensure traffic safety and maintain amenity.

## FEES / CHARGES / CONTRIBUTIONS

#### 7. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$750.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as



amended).

The monetary contribution is based on a development cost of \$150,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

#### 8. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

#### 9. **Access for People with Disabilities**

Access to and within the building is to be provided for Persons with a Disability in accordance with the Building Code of Australia and AS1428. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate and be implemented prior to occupation of the building.

Reason: To ensure adequate provision is made for access to and within the building for Persons with a disability.

10. **Hamper sign details**

Details of the proposed hamper sign must be provided to Council's Heritage Advisor prior to the issue of the Construction Certificate.

Reason: To ensure the proposed signage is appropriate for the HCA and The Corso.

11. **Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Principle certifier. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the food premises complies with the design construction and fit-out requirements.

12. **Mechanical ventilation Plans**

Where Mechanical ventilation is required to be installed in the food premises ,prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

13. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

## **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

14. **Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];

- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**15. Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

**16. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

**17. Registration of food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

**18. Operational Management Plan**

The plan of management for the operation of the premises is to be prepared prior to issue of any Occupation Certificate and a copy sent to Council and Principal Certifying Authority for record purposes.

The Plan of Management must include, but not be limited to:

- Measures implemented to minimise noise impacts from patrons and any music provided on the premises, on surrounding residential premises
- Mitigation measures to minimise amenity impacts on surrounding residents and businesses
- Operational procedures of the business
- Security measures/procedures
- Management of Occupancy Numbers
- Fire Safety
- Waste management procedures
- Deliveries
- Method of recording and actioning any complaints received directly from affected residents/businesses.
- How patrons will be escorted off premise after closure.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

**19. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any occupation certificate, certification is to be provided to the Principal Certifier by a suitably qualified person demonstrating that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Reason: To ensure that the kitchen complies with Australian Standard design requirements.

**20. Mechanical Ventilation certification**

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 “The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings”; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**21. Compliance with the Operational Management Plan**

The requirements of the approved Plan of Management are to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To protect the amenity of the surrounding area.

**22. Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside

the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

23. **Deliveries and waste service collections**

Deliveries and waste service collections shall only occur after 6am and prior to 10pm on any day.

Reason: To minimise the impacts of noise on neighbouring premises.

24. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday – 11:00am to 9:30pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

25. **Hours of Illumination**

Signage must only be illuminated during consented hours of operation. Illumination of signage at the subject premises shall cease between the hours of 10.00 pm and 6.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination.

26. **Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

27. **Site Occupancy**

The maximum number of (customers/visitors/guests/patrons) on the site shall not exceed thirty (30) at any time.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

28. **Odour**

Odour from any manufacturing or cooking process shall be managed so as to not adversely impact on any neighbouring commercial or residential occupier.

Reason: To maintain amenity of the area.

29. **Noise**

There is to be no amplified entertainment noise (music) associated with the operation of this use. The use of the premise must be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

Reason: To protect surrounding residence from any noise generated by the operation of the development.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Gareth David, Planner**

The application is determined on 08/06/2023, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**